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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,642	12/18/2001	Bradley John Meyer	15791-US	9203

7590 07/14/2004
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EXAMINER

MAMMEN, NATHAN SCOTT

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,642

Applicant(s)

MEYER ET AL.

Examiner

Nathan S Mammen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,305,478 to Friggstad, in view of U.S. Patent No. 6,047,652 to Prairie et al., or U.S. Patent 6,494,154 to Kinzenbaw et al.

The Friggstad '478 patent discloses a seeding machine (col. 1, lines 15-17) having a frame (20) and a wing frame (20a) pivotally mounted to the frame so that it can pivot from a working configuration to a transport configuration. The seeding machine further comprises a pivot arm (28) having a first end pivotally mounted to the wing frame. The pivot arm has a working configuration and a transport configuration (Fig. 12). In between the working and transport positions is an intermediate position. The transport configuration is a vertical position. The pivot arm is pivotally coupled to the wing frame by a rockshaft (30) having a bell crank (generally at 37). A hydraulic cylinder (36) (i.e., linear motor) pivots the pivot arm. What the Friggstad '478 patent does not disclose is details of the seeding machine, in particular, the seeding machine having a hopper, and the pivot arm having a planting unit with a seed meter, an auxiliary hopper, and a furrow opener. The Prairie '652 and Kinzenbaw '154 patents each teach that it is known in the art to provide a seeding machine with main hoppers and separate planting units having an auxiliary hopper, a furrow opener, and a seed meter. Flexible tubing connects the

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main hopper to the auxiliary hoppers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the seeding machine of the Friggstad '478 patent with the planting unit arrangement as taught by the Prairie '652 and Kinzenbaw '154 patents, in order to provide a centralized main hopper so as to decrease the time required for a planter to be refilled with seed.

Response to Arguments

3. Applicant's arguments filed 5/19/04 have been fully considered but they are not persuasive.

Applicant states that "there is no teaching or suggestion of providing frame wings with planting units that can be 'pivoted to a vertical position' as set forth in Claim 1." Remarks, page 4. This statement ignores the clear disclosure of the Friggstad '478 patent. As Applicant admits, "Friggstad discloses a seeding machine but does not disclose planting units...." However, Friggstad also discloses that the subframe assembly to which the planting units would inherently be mounted is pivoted to a vertical position (Fig. 12), including the subframes on the wing frame (see Fig. 5). Again, Friggstad discloses the general frame structure, while Prairie and Kinzenbaw each teach the details of planting units. Therefore, contrary to Applicant's assertion, the prior art listed in the above rejection does disclose each and every claimed element.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Mammen whose telephone number is (703) 306-5959. The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at (703) 308-3870. The fax number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-1113.


Thomas B. Will
Supervisory Patent Examiner
Group 3600

NSM
7/8/04

Nathan S. Mammen